

3. The cost as new of the structures is established by taking into account their exact outside dimensions, as they exist on the date applicable under the first or second paragraph of section 46 of the Act, as the case may be, and the materials and techniques currently used on that date to build such structures.

4. Depreciation shall be subtracted in order to take into account, where applicable, the significant difference existing between:

(1) the interior space that would be available in a structure having exactly the same outside dimensions than the structure the value of which is to be established, as they exist on the date applicable under the first or second paragraph of section 46 of the Act, as the case may be, if the materials and techniques currently used on that date had been used for building such a structure;

(2) the interior space actually available on the same date, whether used or not, in the structure the value of which is to be established.

5. This Regulation applies for the purposes of establishing the value of any single-use immovable of an industrial or institutional nature that must be entered on a real estate assessment roll coming into force after 31 December 2000.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2569

## Notice

### Amendments to the Rules of practice of the Superior Court of Québec in civil matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in civil matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on October 16th, 1998, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25)

Montréal, 16 October 1998

LYSE LEMIEUX,  
*Chief Justice*

## Rules to amend the Rules of practice of the Superior Court of Quebec in civil matters\*

Code of Civil Procedure  
(R.S.Q., c. C-25, s. 47)

1. The following Table of Contents is inserted before Division I of the Rules of Practice of the Superior Court of Quebec in Civil Matters:

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\* The Rules of Practice of the Superior Court of Quebec in Civil Matters (R.R.Q., 1981, c. C-25, r. 8) were last amended by the Rules adopted on 31 January 1997 (1997, *G.O.* 2, 1027). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

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2. The following is substituted for Divisions I to XII of the Rules:

#### “CHAPTER I GENERAL

**1. Application.** These Rules apply to all the judicial districts of Quebec, subject to special rules adopted under Article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Subject to any provision to the contrary, these Rules also apply to family matters and to bankruptcy.

**2. Access to registers and records.** All persons may have access to the records of the Court and to the registers of the Clerk and the Sheriff, at their respective offices, on all juridical days from Monday to Friday between 8:30 a.m. and 4:30 p.m.

A Court record may be consulted only in the presence of the Clerk. If the Clerk cannot be present, he shall require that a written acknowledgement of it be kept in the record.

**3. Medical record and experts' reports.** In every legal action, a medical record or any report prepared by a physician, a psychologist or a social worker that is filed of record shall be kept in a sealed envelope and only the parties and their attorneys may have access thereto without authorisation from the Court or a judge. Access to such a document includes the right to make copies thereof at one's own expense.

**4. Change of address.** The parties and their attorneys shall promptly notify the Clerk of any change of address.

#### CHAPTER II PROCEEDINGS AND EXHIBITS

##### DIVISION I GENERAL

**5. Designation of parties and format.** Every proceeding shall be legibly written on one side only of a good quality paper measuring 21.25 cm X 35 cm (8 1/2 X 14 inches); the nature and object of the proceeding shall be indicated on the back, with the record number and the names of the parties, the party filing it, as well as the name, address,

postal code, telephone number and computer code of his attorney.

Every proceeding introductive of suit shall indicate the name, address and postal code of the parties. Every proceeding of a party shall be signed by his attorney. If a party is not represented by an attorney, except in the cases provided for in Article 61 of the Code of Civil Procedure, the party shall sign the proceeding personally.

In every proceeding, the parties shall keep the same order and designation as in the proceeding introductive of suit.

Every proceeding taken under the simplified procedure and the backings therefor shall include the words “Simplified Procedure” above “Superior Court”.

**6. Service by fax.** The transmission slip used as proof of service by fax shall be stapled to the back of the original of the document served. The format of the slip shall be 8.5 inches by 11 inches (21.25 cm by 27.5 cm) and, insofar as possible, comply with Form I.

**7. Amendments.** Should a proceeding be amended, additions or substitutions shall be underlined, or indicated in the margin by a vertical line, and deletions shall be indicated by means of dots in brackets.

**8. Particulars.** When particulars to a proceeding have been ordered, a new proceeding incorporating them shall be filed of record within the allotted time.

##### DIVISION II MOTIONS

**9. Reference to relevant provisions.** Every motion in the Practice Division and before the Judge shall indicate the article of the Code of Civil Procedure, of the Rules of Practice or of the Act under which it is filed.

**10. Filing with Office of the Court.** Only motions that have been filed with the Office of the Court for at least one clear juridical day may be placed on the roll, unless the Chief Justice grants an exemption for a particular district.

**11. Motion for particulars.** Each paragraph of a motion for particulars shall bear the same number as the paragraph of the proceeding to which it refers.

**12. Seizure before judgment and forced surrender.** A motion to quash a seizure before judgment and a motion to rescind an order issued under Article 2767 of the Civil Code of Quebec based on the falsity of the

allegations in the affidavit shall specify which allegations are contested and the reasons for contesting them.

### CHAPTER III OFFICE OF THE COURT

**13. Registers and indexes.** The Clerk of the Court shall keep, in the form of books, cards, films, magnetic recordings or as otherwise decided by the Chief Justice in agreement with the administration, the following registers and indexes:

(a) an index of plaintiffs, defendants and other parties;

(b) an index of elections of domicile;

(c) an index of the cases taken under advisement, with respect to both incidental proceedings and the merits, containing:

i. the number of the case;

ii. the names of the parties;

iii. the name of the Judge;

iv. the date on which the matter was taken under advisement;

(d) a court ledger containing:

i. the number of the case;

ii. the names of the parties;

iii. the nature of the application, the amount claimed and the date on which the copy of the application was deposited;

iv. the nature and the date of receipt of all documents;

v. a concise description of each document filed;

vi. a concise summary of all judicial orders, interlocutory and final judgments rendered and their date;

vii. the date of each session of the Court and the date of the deposit of the minutes of the hearing at such session;

viii. the date on which the record is complete and that on which it has been sent to the Judge to deliberate;

ix. the nature of any writ of execution requested;

x. the date of the writ of execution and the date of its return;

xi. the judgments rendered since the issuance of the writ of execution or of attachment;

xii. the nature and date of receipt of all oppositions, claims or contestations filed, and the names and addresses of the attorneys, if any;

xiii. the amount realized, if any;

xiv. the date of posting of the schemes of collocation, that of their homologation and of their transmission to the Sheriff, as well as the date and a concise description of the motions filed in connection therewith;

(e) a register containing the originals of judgments except those written and signed on the minutes of a hearing or on a motion;

(f) a journal of the judgments included in the preceding register;

(g) a register complying with Article 275 of the Code of Civil Procedure;

(h) an index of applications for injunction, writs of habeas corpus and extraordinary recourses mentioned in Title VI of Book V of the Code of Civil Procedure, containing:

i. the number of the case;

ii. the names of the parties and of their attorneys;

iii. the date and nature of the application;

(i) an index of expropriations containing:

i. the number of the case;

ii. the names of the parties and of their attorneys;

iii. the date of introduction of the suit;

(j) an index of class actions containing:

i. the number of the case;

ii. the names of the parties and of their attorneys;

iii. the date of introduction of the suit;

(k) a register of non-contentious proceedings containing:

- i. the designation of the parties;
- ii. the object of the proceedings;
- iii. the date of the judgment;
- iv. a mention of the proceedings after judgment;

(l) all other registers, indexes or cards which may be required by law or be ordered by the Chief Justice or be determined by the Clerk.

**13.1 Updating of court ledger.** Where the record is forwarded to the Court or to the Judge, an extract of the updated court ledger shall be filed therein and the previous extracts shall be destroyed.

**14. Receipt of proceedings.** Upon receipt of a proceeding or an exhibit, the Clerk shall number it and enter the date and time of its reception.

#### CHAPTER IV READINESS OF RECORDS

**15. Certificate of readiness.** No action introduced by a declaration and contested on the merits shall be placed on the roll for hearing, unless a certificate of readiness complying with Form III, issued by the Clerk, is filed in the record. As soon as the certificate is filed, the Clerk shall so notify the parties and their attorneys.

The Clerk shall issue the certificate when each party, except any party who has not contested, has served and filed in the record a declaration of inscription on the roll for hearing complying with Form II. Such declaration shall be accompanied by a list of the exhibits communicated.

Failure on the part of a party to file such declaration within the prescribed time gives rise, in particular, to the application of Article 477 of the Code of Civil Procedure.

The declaration of inscription on the roll shall be made by the attorney under his oath of office and shall include an attestation of the party he represents; a sworn declaration shall be made by a party that is not represented by an attorney.

The party on whom the declaration of inscription on the roll is served has 60 days to serve and file his declaration of inscription on the roll; that period shall be reduced to 30 days under the simplified procedure. Failing compliance, the party is foreclosed from doing so. At the expiry of the period, the Clerk shall issue the

certificate of readiness. Thereafter, the foreclosed party may not file his declaration without authorisation by the Court.

**15.1 List of exhibits.** The list of exhibits provided for in Rule 15 shall identify them and indicate the number of each one preceded by an identifying letter attributed to each party, to be used until the end of the hearing. There shall be only one series of numbers.

Unless they are filed in the form of a book, the number of the record and of the exhibit shall appear on the front and on the back of each exhibit, if applicable.

**16. Inactive records.** Having given notice to the parties or their attorneys, the Chief Justice or the Judge designated by him may call the cases on the roll wherein no certificate of readiness has been filed within a year of their inscription and, upon motion, the cases in which the plaintiff has not filed his declaration of inscription within 90 days of the inscription. The Chief Justice or the Judge designated by him then has discretion to strike the case off the roll, to postpone it to a later date, to declare a party foreclosed or take any other measure consistent with the proper administration of justice.

Under the simplified procedure, the one-year period is reduced to three months and the 90-day period is reduced to 30 days.

**17. Additional exhibits or documents.** Once the certificate of readiness is issued, no other document, extract of testimony, report or exhibit may be filed without permission of the Court, which will be granted only when considered necessary in the interest of justice and on such conditions as are deemed appropriate.

**18. Provisional roll.** Following the issuance of the certificate of readiness, the Clerk shall prepare a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, he shall mail to each attorney of record and to the parties not represented by an attorney an extract of that list containing mention of their cases, and shall convene them to a calling of the provisional roll presided by the Chief Justice or a judge designated by him or, with his consent, by the Clerk.

At that session, the Judge or Clerk presiding shall determine the means of simplifying the procedure and shortening the hearing.

Having consulted the attorneys, the Judge or Clerk presiding shall fix the dates of hearing for the cases on the list. Any request for postponement shall be presented at that session.

The Clerk shall draw up the minutes of the session and shall enter in the record of each case called the presence or absence of the attorneys or parties not represented.

**19. Meeting of experts.** At any stage of the proceedings, a judge may, even on his own initiative, order the experts who have prepared contradictory reports to meet to reconcile their opinions or to identify the matters on which they disagree. Within the time fixed by the Judge, they shall report the result of their meeting to the parties and file it of record.

**20. Pre-trial conference.** The Chief Justice or the Judge designated by him shall determine the cases in which a pre-trial conference is required before they are set for proof and hearing.

## CHAPTER V ROLL FOR HEARING

**21. Roll for hearing.** As soon as possible, the Clerk shall send the roll for hearing to the judges who will be hearing the cases appearing on the roll and, where applicable, to the Judge who has presided at the session mentioned in Rule 18.

The roll for hearing shall indicate:

- (a) the name of the Judge;
- (b) the number of the case;
- (c) the names of all the parties;
- (d) the names of the attorneys of record;
- (e) the date and time of the hearing;
- (f) the place of the hearing and, where applicable, the room number; and
- (g) any other information ordered by the Judge or Clerk who presided at the session mentioned in Rule 18.

An extract from that roll shall also be sent by the Clerk to each attorney of record or to the parties not represented concerning their cases.

**22. Cases added to the roll.** The Chief Justice or the Judge designated by him or, under their authority, the Clerk or the Master of the Rolls, may add cases that he deems ready to proceed to the roll for hearing.

**23. Case fixed by preference.** Any motion to fix a case by preference shall be accompanied by a notice in

which the date and time of presentation shall have been previously determined by the Judge designated by the Chief Justice or by the Clerk or Master of the Rolls under his authority.

After service, the motion shall be filed in the Office of the Court at least one clear day before it is presented for hearing.

The Clerk shall send the record of the Court to the Judge and only that judge has jurisdiction to hear and decide the case, subject to the authority of the Chief Justice.

**24. Notice to attorneys and parties.** The sending to the attorneys or parties by the Clerk of the extract from the roll for hearing containing mention of their cases constitutes the notice required by Article 278 of the Code of Civil Procedure.

**25. Inaccuracies in certificate of readiness.** If the Judge presiding at the trial finds that the certificate of readiness contains inaccuracies without which the case would not have been put on the roll for hearing, he may strike the case from the roll, adjourn it or take any other appropriate measure in the interest of justice.

**26. Departure from roll.** The Judge may decide to hear a case on another date or in an order differing from that on the definitive roll.

**27. Postponement.** No case shall be postponed on the sole ground of consent or of absence of the parties. It shall be struck from all rolls. Any case which has been once postponed at the request of any party and for which the parties are still not ready when the case re-appears on the roll for hearing shall be struck from all rolls, and it may not re-appear again unless the Chief Justice of the Judge designated by him orders otherwise, on written motion to that effect.

**28. Motion to institute proceedings.** The Chief Justice or the Judge designated by him may place on any of the rolls kept by the Clerk under Article 275 of the Code of Civil Procedure any motion introductive of suit inscribed on the roll in Practice Division and, if he deems it expedient, order it subject to Rule 15, in which case Rules 16 and 17 also apply.

**29. Roll of urgent matters.** Cases that must be heard and decided by preference by reason of a provision of law or a decision of the Chief Justice or of the Judge designated by him for such purpose (Article 275 C.C.P.) shall be placed on the roll of urgent matters, and in particular the following matters:

(1) Incidental to the compulsory execution of judgments (Article 576 C.C.P.);

(2) To contest a claim filed by a creditor in a seizure by garnishment (Article 646 C.C.P.);

(3) To contest a claim filed in the case of voluntary deposits (Article 659 C.C.P.);

(4) Respecting applications for seizure before judgment (Article 740 C.C.P.).

## CHAPTER VI MISCELLANEOUS

**30. Extracts of depositions.** Any extract of a deposition adduced as evidence under Articles 398.1 or 398.2 of the Code of Civil Procedure shall indicate the date and place of the deposition, the name and capacity of the deponent and shall be certified by the authorised person who transcribed it or, failing that, the Clerk may issue a certified true copy thereof.

**31. Jurisprudence or doctrine.** A party who refers to jurisprudence or doctrine shall indicate the relevant pages and shall highlight the extracts relied on.

**32. Statutes and regulations cited.** A party who refers to regulatory or statutory provisions other than those of the Civil Code, the Code of Civil Procedure and the Divorce Act shall provide a copy to the Judge.

## CHAPTER VII HEARING

### DIVISION I DECORUM

**33. Persons present.** All persons attending a hearing shall rise when the Judge enters the room and shall remain standing until he has taken his seat. When the hearing is over, they shall stand again and remain so until the Judge has retired.

**34. Court Usher.** At the opening of the session, the Court Usher shall say aloud: "Silence. All rise please. The Superior Court is now in session, the Honourable ..... presiding".

As soon as the Judge is seated, the Court Usher shall invite those present to be seated.

**35. Dress and conduct at the hearing.** Every person appearing before the Court shall be suitably attired.

Every person addressing the Court shall stand up, except with leave of the Judge.

**36. Gown.** In the court room, a male attorney shall wear either a black gown with a black jacket, dark trousers and a shirt with a white collar and bands, or a black gown closed in front, with a raised neck opening, long sleeves and white bands. A female attorney shall wear a black gown with white bands and a black long-sleeved dress or a dark skirt or trousers and a white long-sleeved blouse.

A male articulated student shall wear either a black gown with a dark suit, white shirt and dark tie, or a black gown closed in front, with a raised neck opening and long sleeves. A female articulated student shall wear a black gown with a dark skirt or trousers and a white long-sleeved blouse or dark clothing.

In family matters, a gown is compulsory at all times.

However, it is not required to wear a gown during the months of July and August, nor in the Practice Division for civil matters. When a gown is not required, the male attorney and the male articulated student shall wear somber trousers, jacket, shirt and tie; the female attorney or female articulated student shall wear a somber skirt or trousers with a blouse and jacket, dress or tailor-made suit.

**37. Dress for Court Clerks and Ushers.** When the Court is in session, Court Clerks and Ushers shall always wear one of the attires described in Rule 36 for articulated students.

**38. Order.** Anything that disturbs the decorum and good order of the Court is prohibited.

It is also prohibited to read newspapers, to use a camera, and to use radio or television equipment at a hearing.

The media are authorised to record the proceedings and any decision on audiotape, unless the Judge decides otherwise. Broadcasting such recording, however, is prohibited.

### DIVISION II MINUTES

**39. Role of Court Clerk.** The Court Clerk shall draw up the minutes of the hearing, in which he enters:

- (a) the name of the presiding Judge;
- (b) the various stages of the hearing;
- (c) the names of the attorneys and witnesses;
- (d) the names of the Clerk and the Stenographer;

(e) the exhibits filed;

(f) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;

(g) the admissions dictated to the Stenographer or mechanically recorded;

(h) the admissions dictated to the Court Clerk, which must be signed by the parties or their attorneys; and

(i) where applicable, the reasons stated by the Court for not proceeding with the case.

**40.** During the hearing, the Court Clerk shall mark the exhibits with a letter and number in the appropriate order and write the case number under his initials; he shall indicate on the copies of doctrine and jurisprudence the name of the attorneys or the party who filed it.

He shall also prepare a separate list of exhibits filed by each of the parties that describes them.

Before giving the record to the Judge who has taken a case under advisement, he shall place all documents, and the doctrine and jurisprudence filed by each party, in separate envelopes, listing their contents.

## CHAPTER VIII STENOGRAPHY AND RECORDING OF PROCEEDINGS

**41.** Every Official Stenographer shall go to the court room where he is to fulfil his duties and be present at the opening of the session and remain there until discharged by the Judge.

**42.** The Clerk shall report to the Chief Justice when a case has not proceeded because no stenographer was present and state the reason for the absence, if he knows it.

**43.** The Stenographer must take the depositions, the oral testimony, the objections to the evidence, the argument upon the objections if the Judge so requires, and the decisions thereon.

**44.** Each page of a deposition shall mention the name of the witness at the top. The Stenographer must keep his notes where specified by the Clerk.

The stenographer who transcribes more than one deposition in the same case shall prepare an index of the names of the witnesses and the number of the page where the depositions appear.

**45.** The Rules of this Chapter apply adapted as required to any person required to record or transcribe depositions by any other authorised method.

## CHAPTER IX JUDGMENTS

**46. Record under advisement.** Before giving the record to the Judge, the Court Clerk shall ensure that it contains the proceedings, exhibits, interlocutory proceedings and examinations taken out of court, consecutively numbered according to the date of their filing, as well as any written argument required by the Court. If the record is incomplete, he shall notify the attorneys so that they may remedy the default.

No case will be taken under advisement and no record sent to the Judge until it has been completed, unless the Judge decides otherwise.

**47. Incomplete arguments.** Failing completion by either party of the oral or written argument within the time period fixed at the hearing, the Judge may send or have the Clerk send to the parties or their attorneys a notice to remedy the default within a period fixed by the Judge and take the case under advisement as it stands upon the expiry of that period.

**48. Judgment by default.** No action or motion introductive of suit shall proceed to judgment by default to appear or to plead without proof and hearing, unless the attorney or unrepresented party has certified that the record is complete and that judgment may be rendered as requested and according to the proof filed of record. This certificate, in conformity with Form IV, shall be filed with the inscription and signed by the attorney under his oath of office; the certificate shall be sworn to where a party is not represented by attorney.

The certificate referred to in the preceding paragraph shall apply, adapted as required, to motions made pursuant to Articles 805 and 806 of the Code of Civil Procedure and shall be filed with the notice of presentation.

**49. Out-of-court evidence.** When evidence taken out of court has been filed of record, the Clerk, if he has no jurisdiction to render judgment and the Court is not sitting in the district, shall send the record to the Judge who authorised such evidence.

**50. Interlocutory judgment.** It is not required to draw up and sign again on a separate paper an interlocutory judgment already written out and signed on a motion presented to the Court. The Clerk may issue true copies of such judgment.



## CHAPTER X SHERIFF

**51. Register.** The Sheriff shall keep in his office a register of the writs of seizure of immovables, stating the names of the parties and the oppositions as well as a register of notices given under Articles 670 and 671 of the Code of Civil Procedure.

**52. Receipt of proceedings.** The Sheriff, upon receipt of a proceeding or an exhibit, shall number it and enter the date and time of its reception.

## CHAPTER XI FEES FOR COMMISSIONERS AND OTHER OFFICERS

**53.** Subject to the second paragraph of Article 47 of the Code of Civil Procedure, commissioners and other officers appointed by the Court shall be remunerated as follows:

(a) for administering oaths: \$2;

(b) for the deposit of reports (when required): \$10;

(c) for each day of attendance, including the preparation of reports: \$30.

The attendance fee may be increased by the Judge according to the nature and importance of the case.

## CHAPTER XII CLASS ACTION

**54. Definition.** In this Title, unless the context indicates otherwise, “Act” means the Act respecting the class action (R.S.Q., c. R-2.1) and “*Fonds*” means the *Fonds d’aide aux recours collectifs*.

**55. Compulsory indications.** All class action proceedings shall include the words “Class Action” immediately above “Superior Court” on the front and back.

**56. Place of institution of motion.** The motion for authorisation to institute a class action (Article 1002 C.C.P.) shall be filed in the district indicated by the rules relating to the place of instituting actions.

**57. Content of motion.** The motion shall be drawn up in accordance with Form V and shall contain, in particular:

(a) an indication of the district where the petitioner proposes that the class action be brought, with reasons in support thereof;

(b) full particulars of any identical, similar or related questions of law or fact which the petitioner wishes to have decided by the class action;

(c) a description of those questions of law or fact, if any, which are particular to each member individually;

(d) the reasons justifying the class action and which make the application of Articles 59 or 67 of the Code of Civil Procedure difficult or impractical with a list of authorities in support thereof, if any.

**58. Documents accompanying motion.** The motion shall be accompanied by the following documents, a copy of which are to be served on the other party at the same time as the motion:

(a) all contracts or other documents, if any, on which the personal claim of the petitioner is based;

(b) copies of all contracts or other documents, if any, which the petitioner has in his possession and on which other claims raising the same questions are based;

(c) a list of the names and addresses of the members of the class who are known by the petitioner and, as for those who are unknown, an estimate of their probable number and the place where they are domiciled;

(d) a draft notice to members (Article 1006 C.C.P.) complying with Form VI;

(e) a draft judgment granting the motion (Article 1005 C.C.P.) complying with Form VII;

(f) a list of any individual claims already filed that raise the same questions;

(g) a copy of Rules 56 to 64;

(h) a copy of the Regulation respecting the percentage withheld by the *Fonds d’aide aux recours collectifs* (O.C. 1996-85).

Failure by the petitioner to comply with this Rule does not entail dismissal of the motion; however, the Judge, on request of any interested person or on his own initiative, may postpone the date of presentation of the motion and order the petitioner to remedy the default.

**59. Presentation of motion.** On the date the motion is presented, the Judge may permit the respondent to contest in writing, within the time fixed by him. At the same time, the Judge, after consulting with the attorneys, shall fix a date for hearing the motion.

**60. Contestation.** If the respondent contests in writing, his contestation must be accompanied with the documents mentioned in Rule 58, to the extent he does not accept those already filed by the petitioner. Any allegations of fact in the contestation shall be supported by an affidavit.

**61. Documentary evidence.** Unless the Judge grants special leave to the contrary, the motion is decided on the basis of the documents and affidavits submitted by the parties without hearing witnesses.

**62. Authorization granted.** If authorization to institute a class action is granted, the action shall proceed according to the ordinary rules, in the district designated by the Chief Justice and before a judge designated by him.

**63. Content of transaction.** Every transaction presented to the Court for approval shall contain the following information (Article 1025 C.C.P.):

(a) a description of the class whose members will be bound by the transaction;

(b) the method of execution, whether by collective recovery, with or without individual liquidation of the claims of the members of the class or the distribution of an amount to each of them, or by individual recovery of the claims;

(c) where the transaction provides for collective recovery of the claims of the members of the class, it must indicate the total sum due by the debtor and stipulate that the debtor shall deposit that sum at the Office of the Court;

(d) in cases of collective recovery in accordance with Article 1033 C.C.P. or of individual claims, the procedure by which the claims will be liquidated and the method of distribution;

(e) the amount which will be reimbursed to the *Fonds* in any case where it has granted financial assistance to the representative (Section 30 of the Act);

(f) the amount which the debtor has agreed to pay as costs or fees (Section 32, 2nd paragraph of the Act);

(g) in cases of collective recovery, the designation of the proposed beneficiaries of the balance, where applicable.

**64. Content of notice.** A notice given in accordance with Article 1025 C.C.P. shall comply with Article 1046 C.C.P. and contain the following information:

(a) a statement to the effect that a transaction will be filed with the Court for approval on a given date and at a given place;

(b) where applicable, the agreement concerning fees between the representative and his attorney;

(c) the nature of the transaction and the proposed method of execution;

(d) the procedure by which the members will prove their claims;

(e) a statement to the effect that the members may present their contentions regarding the proposed transaction and, where applicable, the proposed distribution of the balance (Article 1036 C.C.P.).

**65. Approval of transaction.** A motion for approval of a transaction out of court shall be served upon the other parties and the *Fonds*, together with a notice of presentation.

**66. Service of judgment.** The representative shall serve a judgment granting a class action on the Clerk and the *Fonds*.

**67. Report on administration.** Where the judgment orders collective recovery of the claims with individual liquidation of the members' claims, the Clerk of the Court, after the expiry of the period granted to the members to file their claims, shall provide to the Court a detailed report on his administration and give notice of such filing to the parties and the *Fonds*.

The report shall contain a list of the members who filed claims, the amounts paid to each of them, the amount of the balance and the amount withheld for the *Fonds* pursuant to Section 42 of the Act and the Regulation respecting the percentage withheld by the *Fonds d'aide aux recours collectifs*.

**68. Balance.** When the report of the Clerk provided for in Rule 67 shows a balance, the representative shall, within 30 days of the filing of such report, present to the Court a motion for the distribution of such balance together with a notice of its presentation served upon the Clerk, the *Fonds* and the other parties to the action.

**69. Costs.** Any motion for fixing costs or the fees of the representative's attorney or for approval of a transaction respecting such costs or fees shall be served upon the *Fonds*, together with a notice of its presentation."

3. The forms are renumbered as follows:

Form I becomes III

Form II becomes V

Form III becomes VI

Form IV becomes VII

Form V becomes IV

Form VI becomes II

Form VII becomes I

4. The following is substituted for Form II entitled "DECLARATION OF INSCRIPTION ON THE ROLL FOR HEARING" (Rule 15):

**"FORM II**

CANADA  
PROVINCE OF QUEBEC  
DISTRICT

Case No.:

SUPERIOR COURT

vs.

DECLARATION OF INSCRIPTION ON THE ROLL  
FOR HEARING  
(Rule 15)

1. DEPONENT

UNREPRESENTED  
PARTY

ATTORNEY OF RECORD

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Firm: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Address: \_\_\_\_\_  
Fax: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_

- Applicant  Defendant
- Other

2. EXHIBITS

- A list of the exhibits disclosed to the other parties is attached hereto.

3. TO DATE, THE OTHER PARTIES HAVE RECEIVED THE FOLLOWING:

- The reports provided for in Article 294.1 C.C.P.;
- The whole deposition or extracts in accordance with Article 398.1 C.C.P.;
- The whole deposition or extracts in accordance with Article 398.2 C.C.P.;
- Medical reports in accordance with Article 399.2 C.C.P.;
- Experts' reports in accordance with Article 402.1 C.C.P.;
- Statements, reports and certificates required under the Rules applicable in family matters.

4. TRIAL

- The deponent certifies that he is ready to proceed and estimates that his proof and argument will last \_\_\_\_\_ days, or \_\_\_\_\_ hours;

5. Concise statement of the questions of law and fact in dispute (10 lines maximum)

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6. Unless there are valid reasons for not doing so, please list the names of your witnesses and the object of their testimony. Indicate for each whether they will testify in French or English, or with the assistance of an interpreter:

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7. Suggested admissions, including those which may reduce the number of witnesses to be called:

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\_\_\_\_\_  
\_\_\_\_\_

8. Authorities, jurisprudence and doctrine to which you intend to refer (make one list only and attach a schedule if necessary):

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\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

9. ATTESTATIONS AND OATHS

A. PARTY REPRESENTED BY ATTORNEY

By the party or an agent acquainted with the facts:

I, the undersigned, attest that all the exhibits in my possession that I intend to refer to at the hearing were given to my attorney for disclosure to the other parties and I acknowledge that I cannot file other exhibits without the Court's authorization after the expiry of the period provided for in Article 331.8 C.C.P.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

(Representative's name: \_\_\_\_\_  
Position: \_\_\_\_\_)

By the attorney:

I, the undersigned, under my oath of office, certify that the facts declared in paragraphs 1, 2, 3 and 4 are accurate and that I have explained to the party I represent his obligation to disclose all the exhibits in his possession that he intends to refer to at the hearing, and that those exhibits have been disclosed to the other parties or

will be disclosed within the period provided for in Article 331.8 C.C.P.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

B. UNREPRESENTED PARTY

I, the undersigned, solemnly affirm that the facts declared in paragraphs 1, 2, 3 and 4 are accurate and that all the exhibits in my possession that I intend to refer to at the hearing have been disclosed to the other parties or will be within the period provided for in Article 331.8 C.C.P., and I acknowledge that I cannot file other exhibits without the Court's authorization after the expiry of that period.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

(Representative's: \_\_\_\_\_  
Position: \_\_\_\_\_)

Sworn before: \_\_\_\_\_  
(name and position, profession or capacity)

At: \_\_\_\_\_ On: \_\_\_\_\_  
(Municipality and Province) (date)

\_\_\_\_\_  
(Signature of person administering the oath)''.

5. These Rules come into force ten days after their publication in the *Gazette officielle du Québec*.

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Notice

**Amendments to the Rules of practice of the Superior Court of Québec in family matters**

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in family matters, the text of which appears below, were made by the judges of the Superior Court of Québec, by way of a consultation by mail, on October 16th, 1998, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montreal, 16 October 1998

LYSE LEMIEUX,  
*Chief Justice*